



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

March 10, 2022

**By ECF**

The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

Re: *Melody Business Finance, LLC v. Falcone, et al.*, No. 22-CV-1698 (KPF)

Dear Judge Failla:

This Office represents the United States of America (the “Government”) in the above-captioned action that was removed to federal court on March 1, 2022. Plaintiff, Melody Business Finance, LLC, initiated this action by filing a complaint in the Supreme Court of New York, New York County, on February 1, 2022. Plaintiff seeks to quiet title to real property located at 22 East 67th Street, New York, New York (“the Property”), for which the title owner is defendant Three-Hundredth Street, LLC, to allow the sale of the Property free and clear of federal tax liens filed regarding defendants, Lisa M. Falcone and Philip Falcone.

I write respectfully to request a 30-day extension of time, *nunc pro tunc*, from today until April 10, 2022, to answer or otherwise respond to the complaint. Pursuant to Federal Rule of Civil Procedure 81(c)(2), the removing party’s time to respond to the complaint is the longer of 21 days after being served with summons or receiving the initial pleading or 7 days after the notice of removal is filed. I have yet to confirm whether or when this Office may have been formally and properly served pursuant to Fed. R. Civ. P. 4(i)(1)(A) and 28 U.S.C. § 2410(b). However, on February 22, 2022, the Internal Revenue Service (“IRS”) made this Office aware of the action. I have spoken with counsel for Plaintiff and agreed to waive service on this Office with the understanding that the Government be allowed 30 days from today to file a response to the complaint. To prepare a response, I need to obtain information from the IRS regarding the relationship between the parties and the Property.

This is the Government’s first request for an extension. Plaintiff’s counsel consents to this request. Accordingly, I respectfully request an extension, until April 10, 2022, to file the Government’s response to the complaint. Thank you for your consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By: /s/ Melissa A. Childs  
MELISSA A. CHILDS  
Assistant United States Attorney

86 Chambers Street, 3rd Floor  
New York, NY 10007  
Telephone: (212) 637-2711

*Cc:*

Scott M. Danner, Esq.  
Holwell, Shuster & Goldberg, LLP  
425 Lexington Avenue, 14th Floor  
New York, NY 10017  
*Attorneys for Plaintiff*

Three-Hundredth Street LLC  
c/o The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801  
*Defendant*

Philip Falcone and Lisa M. Falcone  
22 East 67th Street  
New York, NY 10065  
*Defendants*

Application GRANTED. The Government's deadline to respond to the complaint is hereby extended to April 10, 2022. The Clerk of Court is directed to terminate the pending motion at docket number 7.

Dated: March 11, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE